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Subject: AVIATION SAFETY REPORTING PROGRAM

1. PURPOSE.

This circular describes the Federal Aviation Administration (FAA) Aviation Safety Reporting Program (ASRP) which utilizes the National Aeronautics and Space Administration (NASA) as a third party to receive Aviation Safety Reports. This cooperative safety reporting program invites pilots, controllers, flight attendants, maintenance personnel, and other users of the National Airspace System (NAS), or any other person, to report to NASA actual or potential discrepancies and deficiencies involving the safety of aviation operations. The operations covered by the program include departure, en route, approach, and landing operations and procedures, air traffic control procedures and equipment, crew and air traffic control communications, aircraft cabin operations, aircraft movement on the airport, near midair collisions, aircraft maintenance and recordkeeping, and airport conditions or services. The effectiveness of this program in improving safety depends on the free, unrestricted flow of information from the users of the NAS. Based on information obtained from this program, FAA will take corrective action as necessary to remedy defects or deficiencies in the NAS. The reports may also provide data for improving the current system and planning for a future system.

2. CANCELLATION.

Advisory Circular 00-46C dated February 4, 1985, is canceled.

3. BACKGROUND.

a. The primary mission of the FAA is to promote aviation safety. To further this mission, the FAA instituted a voluntary ASRP on April 30, 1975, designed to encourage the identification and reporting of deficiencies and discrepancies in the system.

b. The FAA determined that the ASRP effectiveness would be greatly enhanced if the receipt, processing, and analysis of raw data were accomplished by NASA rather than by the FAA. This would ensure the anonymity of the reporter and of all parties involved in a reported occurrence or incident and, consequently,

increase the flow of information necessary for the effective evaluation of the safety and efficiency of the system. Accordingly, NASA designed and administers the Aviation Safety Reporting System (ASRS) to perform these functions in accordance with a Memorandum of Agreement (MOA) executed by the FAA and NASA on August 15, 1975, as modified September 30, 1983, and August 13, 1987. Current ASRS operations are conducted in accordance with an MOA executed by FAA and NASA on January 14, 1994.

4. NASA RESPONSIBILITIES.

a. NASA ASRS provides for the receipt, analysis, and de-identification of aviation safety reports; in addition, periodic reports of findings obtained through the reporting program are published and distributed to the public, the aviation community, and the FAA.

b. A NASA ASRS Advisory Subcommittee composed of representatives from the aviation community, including the Department of Defense, NASA, and FAA, advises NASA on the conduct of the ASRS. The subcommittee conducts periodic meetings to evaluate and ensure the effectiveness of the reporting system.

5. PROHIBITION AGAINST THE USE OF REPORTS FOR ENFORCEMENT PURPOSES.

a. Section 91.25 of the Federal Aviation Regulations (FAR) (14 CFR 91.25) prohibits the use of any reports submitted to NASA under the ASRS (or information derived therefrom) in any disciplinary action, except information concerning criminal offenses or accidents which are covered under paragraphs 7a(1) and 7a(2).

b. When violation of the FAR comes to the attention of the FAA from a source other than a report filed with NASA under the ASRS, appropriate action will be taken. See paragraph 9.

c. The NASA ASRS security system is designed and operated by NASA to ensure confidentiality and anonymity of the reporter and all other parties involved in a reported occurrence or incident. The FAA will not seek, and NASA will not release or make available to the FAA, any report filed with NASA under the

ASRS or any other information that might reveal the identity of any party involved in an occurrence or incident reported under the ASRS. There has been no breach of confidentiality in more than 20 years of the ASRS under NASA management.

6. REPORTING PROCEDURES.

Forms in the NASA ARC 277 series have been prepared specifically for intended users (including ARC 277 A for air traffic use, 277B for general use including pilots, 277C for flight attendants and 277D for maintenance personnel) and are preaddressed and postage free. Completed forms or a narrative report should be completed and mailed only to ASRS at NASA, Aviation Safety Reporting System, P.O. Box 189, Moffett Field, CA 94035-9800.

7. PROCESSING OF REPORTS.

a. NASA procedures for processing Aviation Safety Reports ensure that the reports are initially screened for:

(1) Information, concerning criminal offenses, which will be referred promptly to the Department of Justice and the FAA;

(2) information concerning accidents which will be referred promptly to the National Transportation Safety Board (NTSB) and the FAA; and

Note: Reports discussing criminal activities or accidents are not de-identified prior to their referral to the agencies outlined above.

(3) time-critical information which, after de-identification, will be promptly referred to the FAA and other interested parties.

b. Each Aviation Safety Report has a tear-off portion which contains the information that identifies the person submitting the report. This tear-off portion will be removed by NASA, timestamped, and returned to the reporter as a receipt. This will provide the reporter with proof that he/she filed a report on a specific incident or occurrence. The identification strip section of the ASRS report form provides NASA program personnel with the means by which the reporter can be contacted, in case additional information is sought in order to understand more completely the report's content. Except in the case of reports describing accidents or criminal activities, no copy of an ASRS form's identification strip is created or retained for ASRS files. Prompt return of identification strips is a primary element of the ASRS program's report de-identification process and ensures the reporter's anonymity.

8. DE-IDENTIFICATION.

All information that might assist in or establish the identification of persons filing ASRS reports and parties named in those reports will be deleted, except for reports covered under paragraphs 7a(1) and 7a(2). This de-identification will be accomplished normally within 72 hours after NASA's receipt of the reports, if no further information is requested from the reporter.

9. ENFORCEMENT POLICY.

a. The Administrator of the FAA will perform his/her responsibility under Title 49, United States Code, Subtitle VII, and enforce the statute and the FAR in a manner that will reduce or eliminate the possibility of, or recurrence of, aircraft accidents. The FAA enforcement procedures are set forth in Part 13 of the FAR (14 CFR Part 13) and FAA enforcement handbooks.

b. In determining the type and extent of the enforcement action to be taken in a particular case, the following factors are considered:

- (1) nature of the violation;
- (2) whether the violation was inadvertent or deliberate;
- (3) the certificate holder's level of experience and responsibility;
- (4) attitude of the violator;
- (5) the hazard to safety of others which should have been foreseen;
- (6) action taken by employer or other government authority;
- (7) length of time which has elapsed since violation;
- (8) the certificate holder's use of the certificate;
- (9) the need for special deterrent action in a particular regulatory area, or segment of the aviation community; and
- (10) presence of any factors involving national interest, such as the use of aircraft for criminal purposes.

c. The filing of a report with NASA concerning an incident or occurrence involving a violation of 49 U.S.C. Subtitle VII, or the FAR is considered by FAA to be indicative of a constructive attitude. Such an attitude will tend to prevent future violations. Accordingly, although a finding of violation may be made, neither a civil penalty nor certificate suspension will be imposed if:

- (1) the violation was inadvertent and not deliberate;
- (2) the violation did not involve a criminal offense, or accident, or action under 49 U.S.C. Section 44709 which discloses a lack of qualification or competency, which is wholly excluded from this policy;
- (3) the person has not been found in any prior FAA enforcement action to have committed a violation of 49 U.S.C. Subtitle VII, or any regulation promulgated there for a period of 5 years prior to the date of occurrence; and
- (4) the person proves that, within 10 days after the violation, he or she completed and delivered or mailed a written report of the incident or occurrence to NASA under ASRS. See paragraphs 5c and 7b.

Note: Paragraph 9 does not apply to air traffic controllers. Provisions concerning air traffic controllers involved in incidents reported under ASRS are addressed in FAA Order 7210.3.G, Facility Operations and Administration.

10. OTHER REPORTS.

This program does not eliminate responsibility for reports, narratives, or forms presently required by existing directives.

11. EFFECTIVE DATE.

This modified Aviation Safety Reporting Program described by this Advisory Circular was effective October 1, 1996.

12. AVAILABILITY OF FORMS.

a. Copies of reporting forms (NASA ARC Form 277, Aviation Safety Report, series) may be obtained free of charge from FAA Flight Standards District Offices or Flight Service Stations, or directly from NASA, ASRS, P.O. Box 189, Moffett Field, CA 94035-9800.

b. The NASA ARC 277 forms will be stocked at the FAA Depot (AML-640) and will be available to FAA organizations and offices through normal supply channels. The form numbers and descriptions are: NSN 0052-00-916-7000 (NASAARC277A, ATC), NSN 0052-00-916-8000 (NASAARC277B, General Use/Pilots), NSN 00-52-00-916-9000 (NASAARC277C, Cabin Crew) and NSN 0052-00-920-2000 (NASAARC277D, Maintenance).

/s/ Barry L. Valentine

Acting Administrator